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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,361	02/18/2000	Marc Howard Spinoza	FIFW:019US	8242
32425	7590	11/29/2007		
FULBRIGHT & JAWORSKI L.L.P. 600 CONGRESS AVE. SUITE 2400 AUSTIN, TX 78701			EXAMINER VU, QUYNH-NHU HOANG	
			ART UNIT 3763	PAPER NUMBER
			MAIL DATE 11/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/506,361

Applicant(s)

SPINOZA, MARC HOWARD

Examiner

Quynh-Nhu H. Vu

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/12/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17, 32, 33, 73, 74 and 80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17, 32, 33, 73, 74 and 80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/30/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment and Request for Continued Examination (RCE) filed on 11/14/07 have been entered.

Claims 17, 32-33, 73-74 and 80 are present for examination.

Claims 18-31, 34-72, 75-59 are cancelled.

Previous allowed claims 17, 32, and 33 are being looked in a new light and a new ^{at} rejection follows below.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 80 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation "the collar being operable to vary the length of the sleeve" of claim 80 does not disclose anywhere in the specification. According to page 13 of the specification, applicant denotes about the collar such that: "the collar 27 holds together the free ends of the filaments 24 making up the sleeve 20 and so prevents the open end 21 of the sleeve 20 from fraying and unraveling". It does not consistency with the claim 80.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17, 32-33, 73-74 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shorey et al. (GB 2,061,372, cited from IDS).

Regarding claims 17, 32-33, Shorey discloses a fastener comprising: a tubular sleeve 42 being of variable length and configured when lengthened to grip the tube/catheter/cable and when shortened to slide along the tube. A tube is analogous in structure to a cable line. It would have been obvious to one of ordinary skill in the art to recognize that the cable line and the tube are interchangeable and can be used in medical arts as it relates with the tube.

Examiner takes OFFICIAL NOTICE that the tubular sleeve 42 can be flexible and stretchable (lines 30-50). When the tubular sleeve is stretched, single lace 52 pulled, the sleeve will lengthen and grip the tube/catheter 50 tightly, and the sleeve has a perforated wall with a plurality of openings (mesh), see Figs. 1-5. An attachment means comprises one or more loops 48. An opening is formed between the loops so that a line/tube may pass through the wall and into the lumen of the sleeve. (Figs. 1, pg 2, lines 59-65 of the specification).

Claims 73-74 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shorey et al. (GB 2,061,372, cited from IDS) in view of Gunnell (US 656,187).

As best as understood, Shorey discloses a fastener comprising: a tubular sleeve 42 of variable length having a first aperture through which the tube/catheter 50 can pass at a first end of the sleeve (12b, Fig. 1); a second aperture through which the tube/catheter 50 can pass at the second end of the sleeve (12a); sleeve has a perforated wall defining a plurality of openings (mesh); the tubular sleeve has a collar 44,46 (Fig. 3) at one end of the sleeve. Shorey fails to include the combination of attachment means; wherein the attachment means comprise a pad or flange.

Gunnell discloses a flange (A, B, C) is attached with a hose/tube D.

It would have been obvious to one of ordinary skill in the art to provide the flange of Gunnell into device of Shorey, to prevent the tube/hose/catheter being bent.

Furthermore, it is well known that patients in today's hospitals are often attached to portable device. In this case, the patient has to be mindful of not pulling out for example I.V. lines

and power supply cables. Therefore, it is common practice to affix fluid tubing lines and power cable cords to patient's arms utilizing adhesive connections. Utilizing this same rationale and motivation, it would have been obvious to use the cable grip to attach a tube of any kind (I.V. or a power cable) to an ambulatory patient in a hospital to provide the patient with enhanced safety from accidentally detachment.


Bark (US 4,533,349), or Plass et al. (US 5,232,453) or Delk et al. (US 5,292,312) are evidence to prove that there are multiple holder/pad/flange are attachment means for attaching to the patient.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh-Nhu H. Vu whose telephone number is 571-272-3228. The examiner can normally be reached on 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


NICHOLAS P. LUCCHESI
SENIOR PATENT EXAMINER
Art Unit 3763

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Examiner
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